



January 28, 2014

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**RE: Notice of Ex Parte Presentation
CG Docket No. 02-278**

Dear Ms. Dortch:

The Service Employees International Union, CTW, CLC ("SEIU") submits this letter to express support for the Communication Innovators ("CI") Petition for Declaratory Ruling regarding predictive dialers.¹ As the fastest-growing union in North America, SEIU focuses on uniting more than 2.1 million workers in key service sectors, including healthcare, public services, and property services, to improve their lives and the services that they provide. CI's requested clarification will protect SEIU's ability to use advanced communications technologies to contact its diverse membership with time-sensitive information, consistent with the goals of the Telephone Consumer Protection Act ("TCPA").

¹ "CI requests that the Commission confirm, consistent with the text of the TCPA and Congressional intent, that predictive dialers that (1) are not used for telemarketing purposes and (2) do not have the current ability to generate and dial random or sequential numbers, are not 'automatic telephone dialing systems' ('autodialers') under the TCPA and the Commission's TCPA rules." *Communication Innovators*, Petition for Expedited Declaratory Ruling and/or Expedited Rulemaking, CG Docket No. 02-278 (filed June 7, 2012) ("CI Petition"). Alternatively, CI requests that the Commission, at a minimum, issue "a narrow declaratory ruling acknowledging that: (1) there are a variety of predictive dialing solutions available today; and (2) to be considered an autodialer, any solution must have the 'capacity to store or produce numbers to be called, using a random or sequential number generator, and to dial such numbers.'" *Ex Parte Letter* from Communication Innovators, CG Docket No. 02-278 (filed Sept. 13, 2013).

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SEIU uses predictive dialers to communicate with its members and those seeking to form a union, and the public for a variety of non-telemarketing calls, including providing information about rallies on raising the minimum wage, urging the public to call members of Congress to urge it to pass immigration reform, and informing members about the benefits of their collective bargaining agreement. SEIU will also use such dialers to inform potential members about important union election related information including the date that an election will occur, and the rules that govern that election, amongst other things.

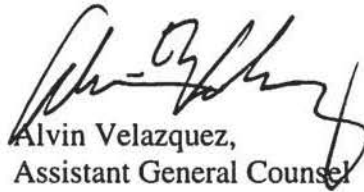
SEIU represents workers in a huge variety of roles, including nurses, lab technicians, local and state government workers, public school employees, private security officers, and others who work in commercial and residential buildings. SEIU is America's most diverse union, and many of our members are shift employees who do not work standard 9-to-5 schedules (and they do not always work the same shift). Contacting such a large number of members who work on a variety of different schedules presents special challenges, and predictive dialing technology helps us address these challenges and enhance our communications with members and those we engage in a variety of ways. For example, predictive dialers enable us to use the time of our member organizers, who themselves may be working multiple jobs, most efficiently by weeding out unproductive calls (*e.g.*, busy signals, answering machines) so that they can spend their time actually speaking to fellow co-workers about their struggles.

By optimizing the amount of time that our member organizers and staff organizers spend talking with members instead of waiting, predictive dialers also help us reduce our overall communications costs. Thus, they support our non-profit mission and our efforts to be the best steward of our members' resources. In addition, predictive dialers help us target our efforts and manage the communications process for such a large membership. For example, they can be programmed to, among other things, contact specific individuals, call certain area codes or regions, or make a specified number of attempts to contact a member. We particularly value the ability to use predictive dialing technologies to contact wireless telephone numbers, especially as SEIU focuses on building the next generation of emerging union leaders, many of whom do not have residential phone lines and do not work in a traditional work setting, but rather work in disparate locations by themselves, or with only one or two other workers. These dialers assist SEIU in allowing co-workers who work for the same employer talk with one another and build solidarity with one another.

Legal uncertainty and confusion around predictive dialing technologies has left SEIU open to potentially enormous litigation risk for using predictive dialers. We therefore ask the Commission to ensure that we can continue to employ advanced communications technologies by granting the CI petition and confirming that not all predictive dialers are autodialers within the meaning of the TCPA.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,



Alvin Velazquez,
Assistant General Counsel